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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

QIN CHEN, ) No. C 07-4688 HRL

Plaintiff, )

v. )

MICHAEL B. MUKASEY,\* United States )  
 Attorney General; MICHAEL CHERTOFF, )  
 Secretary of the Department of Homeland )  
 Security; EMILIO T. GONZALEZ, Director )  
 of the Citizenship and Immigration Services; )  
 ROBERT S. MUELLER III, Director of the )  
 Federal Bureau of Investigation, )

Defendants. )

ADR CERTIFICATION  
**AND ORDER EXCUSING PARTIES  
 FROM FORMAL ADR PROCESS**

Each of the undersigned certifies that he or she has read either the handbook entitled  
 “Dispute Resolution Procedures in the Northern District of California,” or the specified portions of  
 the ADR Unit’s Internet site <[www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov)>, discussed the available dispute  
 resolution options provided by the court and private entities, and considered whether this case might  
 benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because  
 this mandamus action is limited to Plaintiff’s request that this Court compel Defendants to

\*Pursuant to Fed. R. Civ. P. 25(d)(1), Michael B. Mukasey is substituted for his predecessor,  
 Alberto Gonzales, as the United States Attorney General.

ADR CERTIFICATION  
 No. C 07-4688 HRL

1 adjudicate the application for adjustment of status. Given the substance of the action and the lack  
2 of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily  
3 tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be  
4 removed from the ADR Multi-Option Program and that they be excused from participating in the  
5 ADR phone conference and any further formal ADR process.

6 Dated: November 27, 2007

Respectfully submitted,

7 SCOTT N. SCHOOLS  
8 United States Attorney

9 /s/  
10 MELANIE L. PROCTOR<sup>1</sup>  
11 Assistant United States Attorney  
12 Attorneys for Defendants

13 Dated: November 26, 2007

14 /s/  
15 JUSTIN FOK  
16 Attorney for Plaintiffs

17 **ORDER**

18 Pursuant to stipulation, IT IS SO ORDERED.

19 Dated: November 28, 2007

20   
21 HOWARD R. LLOYD  
22 United States District Judge  
23 Magistrate  
24  
25  
26  
27

28 <sup>1</sup>I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any  
signatures indicated by a “conformed” signature (/S/) within this efiled document.